IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

WP(C).No. 29891 of 2007(H)

PETITIONER:

M.O. JOSEPH, AGED 50,
S/O. OUSEPH, MUTTOMTHOTTIL HOUSE, KHANNANAGAR P.O. ATTAPPADAM, MURINGOOR, CHALAKKUDY, ADMINISTRATOR IN-CHARGE, DIVINE CHARITABLE TRUST, MURINGOOR, CHALAKUDY.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:
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1. THE REVENUE DIVISIONAL OFFICER,PALAKKAD.

2. THE TAHSILDAR,
CHITTUR TALUK OFFICE, CHITTUR.

3. THE DISTRICT COLLECTOR, PALAKKAD.

4. THE STATE OF KERALA,
REP. BY THE SECRETARY TO THE GOVT. REVENUE

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) NO. 29891 OF 2007 H

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Dated this the 16th day of October, 2007

J U D G M E N T

Ext.P4 order is under challenge. The only reason stated for imposing fine on the petitioner is that the petitioner had not produced the licence on the basis of which his seller has sold the sand in question. It is the admitted position that the sand in question has passed through the check post and that the petitioner has procured it from outside the state. Ext.P3 evidences payment of tax in respect of the consignment. In view of this, petitioner cannot be faulted for the non production of the licence of his seller. This reason does not appeal to me in any manner. Hence, I quash Ext.P4 and direct that the sand detained be released to the petitioner.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp